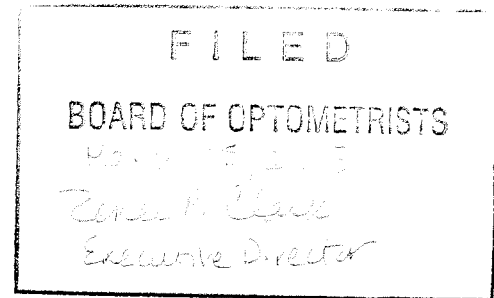


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
 CATHERINE MORSE, O.D.	:	
Licensed No. 270A00503500	:	MODIFIED CONSENT ORDER
	:	
TO PRACTICE OPTOMETRY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Optometrists (hereinafter "the Board") upon application to the Board for an Oral Therapeutic Pharmaceutical Agents (TPA) certification by Catherine Morse, O.D., (hereinafter the "respondent"). In her application, respondent informed the Board that she was involved as a defendant in a lawsuit by a former patient, T.C. alleging negligence by the respondent for her failure to test and/or order additional testing of T.C.'s elevated intra ocular pressure to rule out glaucoma. The respondent advised that the lawsuit was settled by the parties on February 13, 2007. The Board requested a copy of the patient record of T.C. for its review.

The respondent appeared at an investigative inquiry on April 18, 2012 with her attorney, Debra Marcus, Esquire. She testified that patient T.C. first came to see her on February 21, 2005 for an eye examination and contact lens fitting. Respondent testified that T.C.'s "Patient history and information form" did not indicated a history off high blood pressure, ear trouble, diabetes, asthma, anemia, tuberculosis, kidney or liver involvement, blood disease, diabetes or other conditions. The patient also did not check off that there was any history of diabetes, heart disease, high blood pressure, blindness, eye disease, strabismus, amblyopia. The respondent testified that from her conversation with the patient T.C., she learned that he had not worn his contact lenses in two years and noted so in the patient record.

Respondent testified that in addition to the automated refraction done, she did a manual refraction and noted the findings of that manual refraction in the record. The "Tonometry" section of the patient record reveals that the intraocular pressure in T.C.'s eyes was 29 and 19, respectively. Respondent testified that this reading was taken by a technician with a noncontact tonometer. The patient record further indicates that the 29 pressure was circled by respondent as it was elevated. Again, the patient record does not indicate the name or initials of the technician who took this measurement. The section entitled "Fields" is left blank as the patient did not have an automated field test. Respondent testified that she "double checked" the fluid pressure reading via Goldman Tonometer with an applanator and this test measured the pressure of the right eye as being 24 millimeters of mercury. Immediately under this reading on the patient record, there is a notation

of "negative holes, tears or DET detachment," which respondent testified was in harmony with the results of the dilated fundus examination.

Respondent testified that she did not record angles for the patient because she thought the structures were clear, that the angles were open. Respondent also testified that she did not perform pachymetry or corneal thickness measurements because she did not have a pachymeter in 2005, the time of this patient's visit. Respondent also indicated that she did not plan to refer this patient out for glaucoma workup because she did not feel T.C. was a glaucoma suspect based on the information she obtained. Respondent's final diagnosis of T.C. was myopia and astigmatism.

Respondent testified that T.C. returned to her office on April 6, 2004 for a contact lens follow-up visit. Respondent did not conduct any testing of the intraocular pressure at this visit. At the conclusion of this visit, respondent informed the patient that she wanted to see him again in a year. T.C. did not return for his annual check up.

Respondent testified that since the time of this lawsuit, she has changed her practice by substituting new "Patient History" and "Patient Examination" forms which are clearer and allow patients to give her more information about their visual and medical history. She claims that she is now "more specific in the systemic disease entry as well as the ocular disease entry" and continues to have a "verbal dialogue" with her patients. Respondent testified that she has now acquired a pachymeter that enables her to measure corneal thickness when indicated. If someone refuses a visual fields test when she believes in her professional judgement one is necessary, she will note a "v" (for verbal dialogue) in the patient's chart to indicate the patient was counseled on what her

recommendations were and why. If a patient examination reveals that pressure is elevated and she feels the patient is "glaucoma suspect," she has them return for further testing. According to respondent, if the patient returns and pressure is still not within normal range, they are referred to an ophthalmologist.

Following the April 18, 2012 investigative inquiry, the Board requested respondent provide it with ten (10) records of patients who are over the age of forty (40) that respondent has seen with in the last six (6) months. A review of the ten (10) patient records submitted to the Board revealed the following:

- a. Patients J.A., A.C., S.M., N.S. and D.N. - record missing notation regarding time intra ocular pressure was taken and instrument used. Upon further review the Board accepted the explanation provided by respondent in the October 24, 2012 correspondence regarding the procedure used for recording pressures.
- b. Patient M.B. and J.S. - satisfactory.
- c. Patient L.F. - record missing notation regarding time intra ocular pressure was taken and instrument used. Also, borderline intra ocular pressure, astigmatism, no assessment plan for follow up care. In response to this finding, the respondent attached a copy of the exam sheet as Ex. A. and highlighted the information supporting the cup to disc ratio. Upon review the Board noted that is was not provided with Ex. A originally. The Board re-examined the documents it had reviewed and noted that it was the 2/15/2002 exam sheet that it had reviewed where L.F. was identified as L.B. In so

reviewing, it noted that the examination sheet did not contain demographic data to identify the patient.

d. Patient K.S.P. - record missing notation regarding time intra ocular pressure was taken and instrument used. Also, borderline intra ocular pressure, astigmatism, no assessment plan for follow up care. Upon re-review of the information the Board noted that the information was present in the record however, it was difficult to read the optometrist's handwriting and to find the items noted.

e. Patient R.A.R. - patient presented with family history of glaucoma, never given a "glaucoma suspect" diagnosis. Upon re-review of the October 24, 2012 correspondence the board accepts the explanation provided by the Respondent.

The Board determined that respondent's records exhibited a general overall lack of organization, little to no use of an assessment plan, lack of continuity of care and needs to tighten up the dilation policy.

The Board finds that respondent violated N.J.S.A. 45:1-21(e) professional misconduct as she failed to diagnose glaucoma in patient T.C.; N.J.A.C. 13:38-2.3(b)9, as to patient records that do not include a treatment plan; and N.J.A.C. 13:38-2.11(e) as the name of the ancillary personnel who utilized the automated instruments was not indicated in the patient records.

It appearing that the respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 15 DAY OF March, 2013

HEREBY ORDERED AND AGREED THAT:

1. For the violations indicated above, Respondent is hereby assessed a civil penalty of two thousand five hundred dollars (\$2500.00) with one thousand two hundred fifty dollars (\$1250.00) stayed provided respondent complies with all the provisions of the Order. The penalty of \$1250 shall be due and owing immediately upon signing of this order. The respondent may request to pay the combined total of \$1250.00 civil penalty and costs in installment payments over an 18 month period. Respondent shall contact Renee Clark, Executive Director to set up the payment plan. Payments in 18 equal installments of \$88.25 shall be made payable to the NJ State Board of Optometrists by certified check or money order and sent to the attention of Renee Clark, Executive Director, 124 Halsey Street, P.O. Box 45012, Newark, New Jersey 07101 on the 15th of each month beginning on March 15, 2013. The final payment shall be payable on September 15, 2014. Should Respondent default on any installment payment or any condition in this order the full amount of the civil penalty shall be due and owing immediately.

2. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$338.50. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board in installment payments over an 18 month period to begin within thirty days of the

filing of this Consent Order and shall be sent to the attention of Renee Clark, the Executive Director as set forth in paragraph one above.

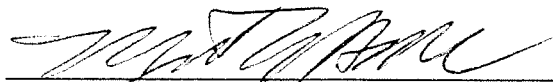
3. Respondent must submit proof of having completed a Board approved ten (10) hour course in the diagnosis and treatment of glaucoma within ninety (90) days from the filing date of the Consent Order. Such course shall be in addition to the biennial continuing education requirements for optometrists licensees. The course required under this order shall not be credited to the biennial continuing education credits for the current renewal period.

4. Respondent must also submit proof of having completed a Board approved three hour course in record keeping within ninety days from the filing date of the Consent Order. Such course shall be in addition to the biennial continuing education requirements for optometrists licensees. The course required under this order shall not be credited to the biennial continuing education credits for the current renewal period.

5. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt and such other proceeding as are permitted by law.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

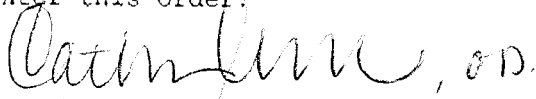
By:



Mitchell Fink, O.D.
President

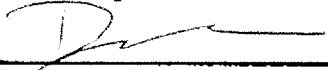
I have read and understand the

within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.

 Catherine Morse, O.D.

Catherine Morse, O.D.

This Order is agreed to as to
form and entry.


Debra Marcus, Esquire
Attorney for Catherine Morse, O.D.